

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☒ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

TITLE 18 U.S.C. SECTION 115(a)(1)(B)

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY:
 Maximums: 10 years imprisonment; 3 years supervised release;
 \$250,000 fine; \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT

BERG, TRAS GUSTAV KARLSSON

DISTRICT COURT NUMBER

DEFENDANT**IS NOT IN CUSTODY**

- 1)
- ☐
- Has not been arrested, pending outcome this proceeding.
-
- If not detained give date any prior summons was served on above charges _____
-
- 2)
- ☐
- Is a Fugitive
-
- 3)
- ☐
- Is on Bail or Release from (show District) _____

IS IN CUSTODY

- 4)
- ☒
- On this charge
-
- 5)
- ☐
- On another conviction }
- ☐
- Federal
- ☐
- State
-
- 6)
- ☐
- Awaiting trial on other charges
-
- If answer to (6) is "Yes", show name of institution _____

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed _____

DATE OF ARREST

Month/Day/Year

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

FBI

☐ person is awaiting trial in another Federal or State Court,
 give name of court _____

☐ this person/proceeding is transferred from another district
 per (circle one) FRCp 20, 21, or 40. Show District _____

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of:

SHOW DOCKET NO.

☐ U.S. ATTORNEY ☐ DEFENSE

☐ this prosecution relates to a
 pending case involving this same
 defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

 Name and Office of Person
 Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

 Name of Assistant U.S.
 Attorney (if assigned) GREGG W. LOWDER
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 * Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments: _____

AO 91 (Rev. 08/09) Criminal Complaint

FILED

UNITED STATES DISTRICT COURT MAR 8 2011

for the
Northern District of CaliforniaRICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAUnited States of America
v.

Case No.

BERG, TRAS GUSTAV KARLSSON

3 11 70229

Defendant(s)

JCS

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of FEBRUARY 24, 2011 in the county of MARIN in the
NORTHERN District of CALIFORNIA, the defendant(s) violated:

Code Section

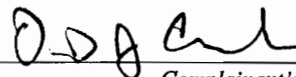
Offense Description

TITLE 18 U.S.C. SECTION 115(a)(1)
(B)THREATENING TO ASSAULT/MURDER A UNITED STATES OFFICIAL WITH
THE INTENT TO IMPEDE, INTIMIDATE OR INTERFERE WITH THE OFFICIAL
IN THE PERFORMANCE OF OFFICIAL DUTIES.

This criminal complaint is based on these facts:

CONTAINED IN THE ATTACHED AFFIDAVIT OF FBI SA DAVID J. CARPLUK.

✓ Continued on the attached sheet.



Complainant's signature

DAVID J. CARPLUK, FBI SPECIAL AGENT

Printed name and title

Sworn to before me and signed in my presence.

Date:

3/8/11


Judge's signatureCity and state: SAN FRANCISCO, CALIFORNIA

JOSEPH C. SPERO, U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT OF FBI SPECIAL AGENT DAVID J. CARPLUK
IN SUPPORT OF CRIMINAL COMPLAINT

I, David J. Carpluk, being duly sworn depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed for over six (6) years. I am presently assigned to the Santa Rosa Resident Agency of the FBI, Santa Rosa, Sonoma County, California. My area of responsibility includes Sonoma, Marin, Napa, Mendocino and Lake counties. My primary responsibilities are violent crime matters in the aforementioned territory, to include threats against United States officials.

2. I am submitting this affidavit in support of a criminal complaint and to obtain an arrest warrant for TRAS GUSTAV KARLSSON BERG, born September 27, 1975, for violation of Title 18 U.S.C. § 115(a)(1)(B), which prohibits intending to influence, impede, or retaliate against a United States official by threatening the official.

3. The purpose of this affidavit is to set forth facts establishing probable cause to support the issuance of the requested warrant. The information contained in this affidavit is based either on my own personal knowledge or on information provided to me by other law enforcement officers and agents. Not all facts known to me are necessarily contained in this affidavit. The affidavit is limited to the facts relevant and necessary to establish probable cause for the requested arrest warrant.

APPLICABLE STATUTES

4. Title 18 U.S.C. § 115 (a)(1)(B) provides in relevant part:

"Whoever . . . threatens to assault, kidnap, or murder a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under such section [referring to § 1114], with intent to impede, intimidate, or interfere with such official, judge or law enforcement officer while engaged in the

performance of official duties, or with intent to retaliate against such official, judge, or law enforcement officer on account of the performance of official duties, shall be punished as provided in subsection (b)."

Title 18 U.S.C. § 115(c)(4) defines "United States official" as including "a Member of Congress."

Title 18 U.S.C. § 115 (b)(4) provides that:

"A threat made in violation of this section shall be punished by a fine under this title or imprisonment for a term of not more than 10 years, or both, except that imprisonment for a threatened assault shall not exceed 6 years."

FACTS SUPPORTING PROBABLE CAUSE

5. On March 03, 2011, the San Francisco Division of the Federal Bureau of Investigation (FBI) received a complaint call from a staff member of the office of a sitting United States Senator from the State of California regarding a cyber-threat on the Senator's life. A copy of the email was provided to the FBI San Francisco Division for analysis.

6. The email was directed to the email address of the U.S. Senator. The email was dated February 24, 2011 and was entitled "Oppose the Anti-Wolf Continuing Resolution." The individual who sent the email was identified as TRAS BERG, 635 Fawn Drive, San Anselmo, California 94960-1133, telephone number (415) 879-0600, email address trasberg@gmail.com. The content of the email specifically relating to the threat read, "I'm going to shoot you with a high powered rifle and bomb your house with poison gas the way wolf hunters do if you don't do everything you can to oppose legislation that would eliminate Endangered Species Act protections for wolves across the country RIGHT FUCKING NOW!"

7. On March 04, 2011, FBI Special Agent (SA) David J. Carpluk, SA Michael Major, and members of the Marin County Sheriff's office attempted to contact TRAS GUSTAV

KARLSSON BERG at 635 Fawn Drive, San Anselmo, CA. Occupants of the residence advised that BERG moved out of 635 Fawn Drive approximately two days earlier. BERG's former roommate advised that BERG relocated to Oakland but was unable to provide a specific address. The roommates provided SA Carpluk with two cellular phone numbers for TRAS GUSTAV KARLSSON BERG, (415) 879-6051 and (415) 879-0600.

8. Marin County Sheriff's Detective Ryan Peterson placed a phone call to TRAS GUSTAV KARLSSON BERG's (415) 879-6051 cellular phone and left a message asking for a return call from TRAS GUSTAV KARLSSON BERG. Approximately one hour later BERG called Detective Peterson and advised that he was living at 1800 Campbell Avenue, Oakland California.

9. FBI SA Carpluk, SA Major and SA McCarrell A. Crumrine attempted to contact TRAS GUSTAV KARLSSON BERG at 1800 Campbell Avenue but his roommate there advised that BERG was not present at the time. SA Carpluk placed a call to TRAS GUSTAV KARLSSON BERG's (415) 879-6051 cellular phone and left several messages for BERG to contact SA Carpluk.

10. Approximately 45 minutes later SA Carpluk received a call from a person identifying himself as TRAS BERG. Present on the call with BERG, which turned out to be a conference call, was a representative from the Marin County Public Defenders Office. This individual was identified as Ms. Holland, a deputy public defender. I am informed the Public Defender's office had represented BERG on a felony charge of arson, to which BERG had pled guilty and been sentenced in 2011 in Marin County Superior Court. SA Carpluk advised BERG and Holland that SA Carpluk would like to ask him some questions about an email threat

directed at a United States Senator from California. Ms. Holland advised TRAS GUSTAV KARLSSON BERG not to answer any questions without a lawyer present. Ms. Holland advised that she will get back to SA Carpluk regarding when BERG would be available for questioning.

11. Approximately two hours later SA Carpluk received a phone call from Federal Public Defender Loren G. STEWART advising BERG would be available on Monday, March 7, 2011 at the Federal Public Defenders Office located at 450 Golden Gate Avenue, San Francisco, California.

CONCLUSION

12. Based on the foregoing facts, there is probable cause to believe that TRAS GUSTAV KARLSSON BERG threatened to assault and intimidate a sitting United States Senator who was engaged in and on account of the performance of her official duties; and specifically that TRAS GUSTAV KARLSSON BERG threatened to shoot the United States Senator, in the performance of and on account of official duties, all in violation of Title 18 U.S.C. § 115(a)(1)(B).



DAVID J. CARPLUK
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me
this 8th day of March, 2011


JOSEPH C. SPERO

United States Magistrate Judge